UNITED NATIONS

E/NL.1997/41
18 June 1997

ENGLISH AND SPANISH ONLY
ORIGINAL: SPANISH

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

PERU

Communicated by the Government of Peru

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

ADMINISTRATIVE ORDER No. 286-CME-PJ [, 1996]

ESTABLISHING SUPPLEMENTARY REGULATIONS FOR THE PURPOSE OF FACILITATING JUDICIAL ACTIVITIES IN CONNECTION WITH DRUG TRAFFICKING OFFENCES

V.97 24729 (E) (a \1997\mar 2)

ADMINISTRATIVE ORDER

No. 286-CME-PJ [, 1996]

Establishing supplementary regulations for the purpose of facilitating judicial activities in connection with drug trafficking offences

Lima, 13 December 1996

THE EXECUTIVE COMMISSION OF THE JUDICIARY

WHEREAS:

The Executive Commission of the Judiciary, which was established under Law No. 26546, has assumed the regulatory and administrative functions of the Judiciary for an exceptional period;

Under Law No. 26623 of 18 June 1996, the powers of the Executive Commission were extended to allow the comprehensive restructuring of the Judiciary in matters relating to the judicial office, career and judicial service organization regulations;

By Administrative Order No. 097-CME-PJ, the Higher Court Specializing in Drug Trafficking Offences was established and the authority of its specialized divisions and judges to try drug trafficking offences was laid down;

It is necessary to establish supplementary regulations with a view to the efficient and timely conduct of judicial activities in the specialist field of offences relating to drug trafficking;

In exercise of the powers conferred by Laws Nos. 26546 and 26623, and pursuant to the agreements reached at the session held this day,

ISSUES THE FOLLOWING ORDER:

One. In accordance with the stipulations of article 2 of Administrative Order No. 097-CME-PJ, judges specializing in drug trafficking offences shall have the capacity of visiting justices whose jurisdictional authority shall extend over the entire national territory and who may visit the place of commission of an offence for purposes of the relevant inquiry.

Two. Judges and members of the judiciary specializing in drug trafficking offences in their capacity as visiting justices shall, as appropriate, discharge their duties on a special overtime basis, at the actual premises of the chambers and superior divisions of the courts at the places to which they have travelled, for which purpose they shall be provided with such logistic facilities as they may require for the effective discharge of their duties.

Three. The judges and divisions specializing in drug trafficking offences shall have discretional powers for the performance of their judicial functions. Accordingly, their jurisdictional authority shall be determined in accordance with the following directions:

1. They shall be authorized to hear cases in which the subject-matter of the offence exceeds:

- 2 (two) kilograms of cocaine paste;
- 500 (five hundred) grams of cocaine hydrochloride;
- 4 (four) kilograms of marijuana and 1 (one) kilogram of its derivative;
- 1 (one) kilogram of opium;
- 300 grams of heroin.

2. They shall be authorized to hear cases involving drug trafficking offences referred to in the present Order and those provided for in articles 4 and 6 of Administrative Order No. 097-CME-PJ, including cases which, by reason of their complexity or connection with other offences, merit a special investigation.

The criminal court judges shall by way of exception hear cases where the subject-matter of the offence does not exceed, in amount, the quantities specified in paragraph one of this article if, for reasons of geography, security or *force majeure*, those cases cannot be tried by the judges of the Court Specializing in Drug Trafficking Offences. In such eventualities, the criminal court judges shall be required to notify the competent criminal court division of the Higher Court Specializing in Drug Trafficking Offences of the orders issued by them to initiate or dismiss the proceedings, including, in both instances, authenticated copies of the police report. The criminal court division may at its discretion rule that the case shall be tried by a judge specializing in drug trafficking offences.

Four. The divisions of the Higher Court Specializing in Drug Trafficking Offences shall be responsible for hearing, in appeal proceedings, any incidental pleadings arising as a result of the handling of cases by the judges specializing in drug trafficking offences.

Five. Judges may be appointed with responsibility for carrying out inquiries and urgent measures on an exceptional basis in cases where the judges specializing in drug trafficking offences are unable to visit the place of commission of the offence for reasons of geographical distance, difficulty of access or *force majeure*, and be called upon to perform the following functions:

(a) They shall visit places at which their presence is required for the relevant procedural purposes, in accordance with the provisions laid down in the present Order and shall take cognizance of the charges filed by the representatives of the Department of Public Prosecution in such cases;

(b) They shall issue the order initiating the proceedings and shall carry out at the place of occurrence any measures whose postponement is not possible such as examinations and, where applicable, confrontations, judicial verifications, taking of evidence and any other supplementary measures which may prove necessary for the purposes of the investigation;

(c) They shall intervene in the conduct of the investigation by reason of indisposition, refusal, vacation, leave of absence and any other situation temporarily preventing the attendance of the judge dealing with the case.

Where the attendance of the judge responsible for inquiries and urgent measures of the Higher Court Specializing in Drug Trafficking Offences at the place of commission of the offence is materially impossible, the judge at the place of occurrence shall be responsible for carrying out the measures referred to above.

In both instances, the judges shall inform the judge specializing in drug trafficking offences of the action taken, for purposes of proceeding with the case.

Six. Any cases which are pending shall continue to be heard by the judges specializing in drug trafficking offences until their completion.

Seven. It is directed that the Office of the Presiding Judge of the Court Specializing in Drug Trafficking Offences shall, in coordination with the Executive Secretariat of the Judiciary, carry out the necessary steps for the execution of the present Order, particularly with regard to the appointment of judges with responsibility for inquiries and urgent measures of the Court Specializing in Drug Trafficking Offences.

Eight. The final paragraph of article 2 of Administrative Order No. 097-CME-PJ shall be repealed.

Nine. Article 9 of Administrative Order No. 097-CME-PJ shall be amended to read as follows:

"Article 9. The Presiding Judge of the Higher Court Specializing in Drug Trafficking Offences shall submit to the Executive Commission of the Judiciary a proposal concerning the number of specialized chambers and divisions which it is necessary to establish with a view to fulfilment of the objects of the aforesaid Higher Court".

Ten. The present Administrative Order shall enter into force on the day following its publication.

To be recorded, communicated and published.

VICTOR RAUL CASTILLO CASTILLO

PEDRO IBERICO MAS

LINO RONCALLA VALDIVIA

JOSE DELLEPIANE MASSA

UNITED NATIONS

E/NL.1997/42-43
17 June 1997

ENGLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
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In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

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*Note by the Secretariat: This document is a direct reproduction of the texts communicated to the Secretariat by the Government of Singapore.

No. 21 of 1995.

I assent.

ONG TENG CHEONG,
President.
24th July 1995.

(LS)

An Act to amend the Insurance Act (Chapter 142 of the 1994 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

1. This Act may be cited as the Insurance (Amendment) Act 1995 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint. Short title and commencement.

New sections 32A and 32B.

2. The Insurance Act[1/] is amended by inserting, immediately after section 32, the following sections:

"Production orders against insurers to produce material relating to drug trafficking.

32A.—(1) The Attorney-General or any person duly authorised by him in writing may, for the purpose of an investigation into drug trafficking, apply to the High Court for an order under subsection (2) in relation to any particular material or material of a particular description.

(2) The High Court may, if on such an application it is satisfied that the conditions referred to in subsection (3) are fulfilled, make an order that the insurer which appears to the Court to be in possession of the material to which the application relates shall —

(*a*) produce the material to the Attorney-General or the person duly authorised by him for the Attorney-General or such person to take away; or

(*b*) give the Attorney-General or the person duly authorised by him access to the material,

within a reasonable period, but not less than 7 days, as the order may specify.

(3) The conditions referred to in subsection (2) are —

(*a*) (i) where the application is in respect of a foreign offence, that there is prima facie case that a specified person has carried on or has benefited from drug trafficking; and

(ii) in any other case, that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking;

1/ The principal Act is not reproduced because it is not relevant to the control of narcotic drugs or psychotropic substances.

(*b*) that there are reasonable grounds for believing that the material to which the application relates —

(i) is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made; and

(ii) does not consist of or include items subject to legal privilege; and

(*c*) that it is not contrary to the public interest to produce the material to which the application relates.

(4) No action shall lie against an insurer which in good faith produces materials or gives access to materials relating to any policy by reason of that insurer having made the production or given access in compliance with an order made against it under subsection (2) or any act done or omitted to be done in relation to moneys, commissions or property relating to that policy in consequence of the production of or access to those materials.

(5) The proceedings for an application of a production order under this section shall be heard in camera.

(6) In this section —

"drug trafficking" and "foreign offence" have the same meanings as in the Drug Trafficking (Confiscation of Benefits) Act; Cap. 84A.

"items subject to legal privilege" has the same meaning as in section 33 (2) of the Drug Trafficking (Confiscation of Benefits) Act.

Production orders to obtain information to assist foreign authority investigating drug trafficking.

32B.—(1) The Attorney-General or any person duly authorised by him in writing may make an application under section 32A for the purpose of assisting a foreign authority in its investigation into a foreign offence if and only if the conditions in subsection (2) are fulfilled in addition to those in section 32A (3).

(2) The conditions referred to in subsection (1) are —

(*a*) there exists a mutual legal assistance treaty, memorandum of understanding or other agreement or arrangement in drug-related matters between Singapore and the foreign government and the conditions therein have been fulfilled in respect of any particular request for assistance from the Attorney-General, which conditions shall be in addition to and not in derogation of the conditions in this subsection;

(*b*) the foreign authority has agreed to provide reciprocal assistance in drug-related matters to Singapore;

(*c*) the foreign offence which is the subject of the investigation constitutes an offence against the law of or of a part of the State of the foreign authority and the act or omission constituting the offence or the equivalent act or omission would, if it had occurred in Singapore, have constituted an offence under the Drug Trafficking (Confiscation of Benefits) Act or the Misuse of Drugs Act;

Cap. 84A.

Cap. 185.

(*d*) the seriousness of the foreign offence under investigation is of sufficient gravity and the material which is the subject of the application is of sufficient importance to the investigation and whether the material could not reasonably be obtained by other means;

(*e*) the assistance is not likely to prejudice the sovereignty, security or other essential interests of Singapore;

(*f*) it is appropriate in the public interest to give the assistance sought;

(*g*) the foreign authority undertakes that the material sought if granted by the High Court pursuant to a production order shall not be used for any other purposes except for the investigation of the foreign offence or for the prosecution of the offender concerned and the material shall be returned to the Attorney-General upon completion of the investigation or the proceedings against the offender; and

(*h*) such other conditions as the Minister may prescribe.

(3) The proceedings for an application for a production order under subsection (1) shall be heard in camera.

(4) In this section —

"drug-related matters" includes the subject of mutual assistance in the investigation of drug trafficking offences within the meaning of the Drug Trafficking (Confiscation of Benefits) Act; Cap. 84A.

"foreign authority" means a foreign government or an appropriate authority designated by a foreign government exercising any function corresponding to a function of the Minister in charge of the Drug Trafficking (Confiscation of Benefits) Act or the Misuse of Drugs Act; Cap. 185.

"foreign country" means any country or territory outside Singapore;

"foreign government" means the government of a foreign country;

"foreign offence" has the same meaning as in the Drug Trafficking (Confiscation of Benefits) Act.". Cap. 84A.

MISUSE OF DRUGS ACT

(CHAPTER 185)

REVISED EDITION 1985

Act
5 of 1973 1/
Reprint
2 of 1978

Amended by
49 of 1975
12 of 1977
28 of 1979
40 of 1993
S 46/74
S 59/75
S 14/78
S 88/79
S 238/83
S 229/84
S 272/84
S 31/86
38 of 89
S 50/90
S 564/91
S 66/92
S 262/95

#CAP 185
#COMMDATE 07:07:1973

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4. Advisory committees.

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MISUSE OF DRUGS ACT (CAP185) - Long Title

An Act for the control of dangerous or otherwise harmful drugs and for purposes connected therewith.

[7th July 1973]

MISUSE OF DRUGS ACT (CAP185) - Part I

PART I

PRELIMINARY

MISUSE OF DRUGS ACT (CAP185) - s1
Short title.

1. This Act may be cited as the Misuse of Drugs Act.

MISUSE OF DRUGS ACT (CAP185) - s2
Interpretation.

2. In this Act, unless the context otherwise requires --

"approved institution" means any institution or place declared by the Minister to be an approved institution under section 38;

"article liable to seizure" means any money or thing by means of or in respect of which an offence under this Act has been committed or which contains evidence of an offence under this Act;

"cannabis" means any any plant of the genus Cannabis, or any part of such plant, by whatever name it is called;
[Note: Subst. by Act 40/93 wef 10.12.93 vide S 492/93.]

"cannabis mixture" means any mixture of vegetable matter containing tetrahydrocannabinol and cannabinol in any quantity;
[Note: Act 40/93 wef 10.12.93 vide S 492/93.]

"cannabis resin" means any substance containing resinous material and in which is found tetrahydrocannabinol and cannabinol in any quantity;
[Note: Subst. by Act 40/93 wef 10.12.93 vide S 492/93.]

"Class A drug", "Class B drug" and "Class C drug" mean any of the substances and products for the time being specified respectively in Parts I, II and III of the First Schedule;

"controlled drug" means any substance or product which is for the time being specified in Part I, II or III of the First Schedule or anything that contains any such substance or product;

"corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Singapore to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March 1961, or a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Singapore are for the time being parties;

"drug addict" means a person who through the use of any controlled drug --

(a) has developed a desire or need to continue to take that controlled drug; or

(b) has developed a psychological or physical dependence upon the effect of that controlled drug;

"immigration officer" has the same meaning as in the Immigration Act;
[Note: Cap. 133.]

"inmate" means a person who is detained in an approved institution;

"manufacture", in relation to a controlled drug, includes any process of producing the drug and the refining or transformation of one drug into another;

"officer of customs" has the same meaning as in the Customs Act;
[Note: Cap. 70.]

"officer of the Bureau" means the Director or any officer of the Central Narcotics Bureau;

"opium" means any substance containing in any quantity morphine and one or more of the following, namely, codeine, narcotine, papaverine and thebaine but does not include poppy straw which is not mixed in any such substance;
[Note: Subst. by Act 40/93 wef 10.12.93 vide S 492/93.]

"police officer" has the same meaning as in the Police Force Act;
[Note: Cap. 235.]

"Review Committee", in relation to any approved institution, means a Review Committee appointed for the institution under section 39;

"senior officer of customs" has the same meaning as in the Customs Act;

"special police officer" means a member of the Special Constabulary constituted under Part VIII of the Police Force Act;

"traffic" means --

(a) to sell, give, administer, transport, send, deliver or distribute; or

(b) to offer to do anything mentioned in paragraph (a),

otherwise than under the authority of this Act or the regulations made thereunder; and "trafficking" has a corresponding meaning;

"Vigilante Corps" means the Vigilante Corps constituted under the Vigilante Corps Act.
[Note: Cap. 343.]

MISUSE OF DRUGS ACT (CAP185) - s3
Appointment of Director and other officers of Central Narcotics Bureau.

3.--(1) The Minister may appoint a Director and a Deputy Director of the Central Narcotics Bureau and such number of Assistant Directors and other officers as the Minister may think fit.

(2) All officers of the Bureau appointed by the Minister before the commencement of this section shall be deemed to have been appointed under subsection (1). [2A]

MISUSE OF DRUGS ACT (CAP185) - s4
Advisory committees.

4.--(1) For the purpose of assisting in the administration of this Act the Minister may from time to time appoint such advisory committees as he thinks fit.

(2) Every such committee shall have such functions as the Minister may from time to time determine.

(3) Subject to any regulations made under this Act, every such committee may regulate its own procedure. [2B]

MISUSE OF DRUGS ACT (CAP185) - Part II

PART II

OFFENCES INVOLVING CONTROLLED DRUGS

MISUSE OF DRUGS ACT (CAP185) - s5
Trafficking in controlled drug.

5.--(1) Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person, on his own behalf or on behalf of any other person, whether or not that other person is in Singapore to --

(a) traffic in a controlled drug;

(b) offer to traffic in a controlled drug; or

(c) do or offer to do any act preparatory to or for the purpose of trafficking in a controlled drug. [3]

(2) For the purposes of this Act, a person commits the offence of trafficking in a controlled drug if he has in his possession that drug for the purpose of trafficking.
[Note: Act 40/93 wef 10.12.93 vide S 492/93.]

MISUSE OF DRUGS ACT (CAP185) - s6
Manufacture of controlled drug.

6. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to manufacture a controlled drug. [4]

MISUSE OF DRUGS ACT (CAP185) - s7
Importation and exportation of controlled drug.

7. Except as authorised by this Act or the regulations made thereunder,

it shall be an offence for a person to import into or export from Singapore a controlled drug. [5]

MISUSE OF DRUGS ACT (CAP185) - s8
Possession and consumption of controlled drug.

8. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to --

(a) have in his possession a controlled drug; or

(b) smoke, administer to himself or otherwise consume a controlled drug. [6]

MISUSE OF DRUGS ACT (CAP185) - s9
Possession of pipes, utensils, etc.

9. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to have in his possession any pipe, syringe, utensil, apparatus or other article intended for the smoking, administration or consumption of a controlled drug. [7]

MISUSE OF DRUGS ACT (CAP185) - s10
Cultivation of cannabis, opium and coca plants.

10. It shall be an offence for a person to cultivate any plant of the genus cannabis, or any plant of the species papaver somniferum or any plant of the genus erythroxylon from which cocaine can be extracted. [8]

MISUSE OF DRUGS ACT (CAP185) - s11
Responsibilities of owners and tenants, etc.

11. It shall be an offence for a person being the owner, tenant, occupier or person in charge of any place or premises, to permit or suffer such place or premises or any part thereof to be opened, kept or used for the purpose of smoking, administration or consumption of any controlled drug or for unlawful trafficking in or the unlawful manufacturing of a controlled drug. [9]

MISUSE OF DRUGS ACT (CAP185) - s12
Abetments and attempts punishable as offences.

12. Any person who abets the commission of or who attempts to commit or does any act preparatory to or in furtherance of the commission of any offence under this Act shall be guilty of that offence and shall be liable on conviction to the punishment provided for that offence. [10]

MISUSE OF DRUGS ACT (CAP185) - s13
Abetting or procuring the commission of offences outside Singapore.

13. It shall be an offence for a person to --

(a) aid, abet, counsel or procure the commission in any place outside Singapore of an offence punishable under a corresponding law in force in that place; or

(b) do an act preparatory to, or in furtherance of, an act outside Singapore which if committed in Singapore would constitute an offence under this Act. [11]

MISUSE OF DRUGS ACT (CAP185) - s14
Offences by corporations.

14. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly. [12]

MISUSE OF DRUGS ACT (CAP185) - Part III

PART III

EVIDENCE, ENFORCEMENT AND PUNISHMENT

MISUSE OF DRUGS ACT (CAP185) - s15
Certificate of corresponding law.

15. A document purporting to be issued by or on behalf of the government of a country and purporting to state the terms of a corresponding law in force in that country shall be admitted in evidence, in any proceedings for an offence under this Act, on its production by the prosecution without further proof, and such document shall be conclusive evidence --

(a) that it is issued by or on behalf of the government of that country;

(b) that the terms of that law are as stated in the document; and

(c) that any facts stated in the document as constituting an offence under that law do constitute such offence. [13]

MISUSE OF DRUGS ACT (CAP185) - s16
Government chemist certificate.

16. A certificate purporting to be signed by a Government chemist and purporting to relate to a controlled drug shall be admitted in evidence, in any proceedings for an offence under this Act, on its production by the prosecution without proof of signature and, until the contrary is proved, that certificate shall be prima facie evidence of all matters contained therein. [14]

MISUSE OF DRUGS ACT (CAP185) - s17
Presumption concerning trafficking.

17. Any person who is proved to have had in his possession more than --

(a) 100 grammes of opium;

(b) 3 grammes of morphine;

(c) 2 grammes of diamorphine;

(d) 15 grammes of cannabis;

(da) 30 grammes of cannabis mixture;
[Note: Act 40/93 wef 10.12.93 vide S 492/93.]

(e) 10 grammes of cannabis resin; or

(f) 3 grammes of cocaine,

whether or not contained in any substance, extract, preparation or mixture shall be presumed to have had that drug in possession for the purpose of trafficking unless it is proved that his possession of that drug was not for that purpose.
[Notes: Subst. by Act 38/89 wef 15.2.90 vide S 48/90. Act 40/93 wef 10.12.93 vide S 492/93.]

MISUSE OF DRUGS ACT (CAP185) - s18
Presumptions of possessions and knowledge of controlled drug.

18.--(1) Any person who is proved to have had in his possession or custody or under his control --

(a) anything containing a controlled drug;

(b) the keys of anything containing a controlled drug;

(c) the keys of any place or premises or any part thereof in which a controlled drug is found; or

(d) a document of title relating to a controlled drug or any other document intended for the delivery of a controlled drug,

shall, until the contrary is proved, be presumed to have had that drug in his possession.

(2) Any person who is proved or presumed to have had a controlled drug in his possession shall, until the contrary is proved, be presumed to have known the nature of that drug.

(3) The presumptions provided for in this section shall not be rebutted by proof that the accused never had physical possession of the controlled drug.

(4) Where one of two or more persons with the knowledge and consent of the rest has any controlled drug in his possession, it shall be deemed to be in the possession of each and all of them. [16]

MISUSE OF DRUGS ACT (CAP185) - s19
Presumption concerning premises.

19.--(1) Whenever a pipe, syringe, utensil, apparatus or other article intended for the smoking, administration or consumption of a controlled drug is found in any place or premises, it shall be presumed, until the contrary is proved, that the place or premises is used for the purpose of smoking or administering a controlled drug.

(2) Any person found in or escaping from any place or premises which is proved or presumed to be used for the purpose of smoking or administering a controlled drug shall, until the contrary is proved, be presumed to have been smoking or administering a controlled drug in that place or premises. [17]

MISUSE OF DRUGS ACT (CAP185) - s20
Presumption relating to ship or aircraft.

20. If any controlled drug is found in any ship or aircraft it shall be presumed, until the contrary is proved, that the drug has been imported in that ship or aircraft with the knowledge of the master or the captain thereof. [18]

MISUSE OF DRUGS ACT (CAP185) - s21
Presumption relating to vehicle.

21. If any controlled drug is found in any vehicle it shall, until the contrary is proved, be presumed to be in the possession of the owner of the vehicle and of the person in charge of the vehicle for the time being. [19]

MISUSE OF DRUGS ACT (CAP185) - s22
Presumption relating to urine test.

22. If any controlled drug is found in the urine of a person as a result of both urine tests conducted under section 31, he shall be presumed, until the contrary is proved, to have consumed that controlled drug in contravention of section 8 (b). [19A]
[Note: Act 38/89 wef 15.2.90.]

MISUSE OF DRUGS ACT (CAP185) - s23
Protection of informers.

23.--(1) Except as provided in subsection (3) --

(a) no information for an offence under this Act shall be admitted in evidence in any civil or criminal proceedings; and

(b) no witness in any civil or criminal proceedings shall be obliged --

(i) to disclose the name and address of any informer who has given information with respect to an offence under this Act; or

(ii) to answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of the informer.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceedings contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

(3) If any proceedings before a court of an offence under this Act the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true, or if in any proceedings the court is of the opinion that justice cannot be fully done between the parties thereto without the disclosure of the name of an informer the court may permit inquiry and require full disclosure concerning the informer. [20]

MISUSE OF DRUGS ACT (CAP185) - s24
Powers of search and seizure.

24.--(1) An officer of the Bureau, a police officer not below the rank of Assistant Superintendent of Police or any police officer authorised by him or any senior officer of customs may at any time --

(a) without a warrant enter and search any place or premises in which he reasonably suspects that there is to be found a controlled drug or article liable to seizure;

(b) search any person found in that place or premises; and

(c) seize and detain any controlled drug found in that place or premises, or any article liable to seizure.

(2) For the purpose of exercising his power under this section an officer may, with such assistance as he considers necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, box, container or any other thing. [21]

MISUSE OF DRUGS ACT (CAP185) - s25
Power of arrest.

25.--(1) An officer of the Bureau, a police officer, an officer of customs, or any special police officer or member of the Vigilante Corps authorised in writing by a police officer not below the rank of Assistant Superintendent of Police, may arrest without a warrant any person who has committed or whom he reasonably suspects to have committed an offence under this Act.

(2) Any person so arrested shall, together with any article which is liable to seizure, be taken to the Central Narcotics Bureau, a police station or a customs station and may be searched.

(3) No woman shall be searched under this Act except by a woman.

(4) An officer making an arrest under this section may seize and detain any article liable to seizure. [22]

MISUSE OF DRUGS ACT (CAP185) - s26
Power to search ship, aircraft, vehicle or train and person arriving in or departing from Singapore.

26.--(1) An officer of the Bureau, a police officer or an officer of customs may --

(a) stop, board and search any ship, hovercraft, aircraft, vehicle or train if he has reason to suspect that there is therein any controlled drug in

contravention of this Act or any article liable to seizure;

(b) search any person in that ship, hovercraft, aircraft, vehicle or train; and

(c) search any person arriving in Singapore or about to depart from Singapore.

(2) An officer may seize and detain any controlled drug or article liable to seizure as a result of any search under this section, and may seize and detain any ship, hovercraft, aircraft, vehicle or train which has been used in the commission of or in connection with an offence under this Act. [23]

MISUSE OF DRUGS ACT (CAP185) - s27
Forfeiture of controlled drug and articles seized.

27.--(1) Whenever anything is seized under this Act, the seizing officer shall forthwith give notice in writing of the seizure to the owner of that thing, if known, either by delivering the notice to him personally or by post at his place of abode if known:

Provided that the notice shall not be required to be given where the seizure is made in the presence of the offender or the owner or his agent, or in the case of a ship or aircraft, in the presence of the master or captain thereof.

(2) An order for the forfeiture of any controlled drug or article shall be made if it is proved to the satisfaction of a court that an offence under this Act has been committed and that such controlled drug or article was the subject matter of or was used in the commission of the offence notwithstanding that no person may have been convicted of that offence.

(3) If there is no prosecution with regard to any controlled drug or article seized under this Act that drug or article shall be deemed to be forfeited at the expiration of one month from the date of the seizure thereof unless a claim thereto has been made before that date in such manner as may be prescribed. [24]

MISUSE OF DRUGS ACT (CAP185) - s28
Forfeiture of ship, aircraft or vehicle.

28. Where a person has been convicted of an offence under this Act, the court may order to be forfeited to the Government any ship, hovercraft, aircraft or vehicle which has been proved to have been used in any manner in connection with the offence except that --

(a) this section shall not apply to any ship or hovercraft of more than 200 tons net or to any aircraft belonging to any person carrying on a regular passenger service to and from Singapore by means of that aircraft; and

(b) no ship, hovercraft, aircraft or vehicle shall be forfeited under this section, if it is established by the owner thereof that the ship, hovercraft, aircraft or vehicle was unlawfully in the possession of another person without the owner's consent. [25]

MISUSE OF DRUGS ACT (CAP185) - s29
Disposal of things forfeited.

29.--(1) All things which are forfeited to the Government under this Act shall be disposed of in such manner as the Minister thinks fit.

(2) The Minister may, in his discretion and after any proceedings under this Act are concluded, entertain and give effect to any claim to or in respect of anything which has been forfeited to the Government. [26]

MISUSE OF DRUGS ACT (CAP185) - s30
Obstruction of inspection or search.

30.--(1) It shall be an offence for a person to --

(a) obstruct any officer of the Bureau or police officer or officer of customs or other public officer in the exercise of any power under this Act;

(b) fail to comply with any lawful requirements of any officer of the Bureau or police officer or officer of customs or other public officer in the execution of his duty under this Act:

(c) fail, without reasonable excuse, to furnish such information in his possession as may be required by an officer of the Bureau or police officer or officer of customs or other public officer; or

(d) furnish to any officer of the Bureau or police officer or officer of customs or other public officer any information which he knows or has reason to believe to be false.

(2) In subsection (1), "public officer" includes any special police officer or member of the Vigilante Corps exercising any power under section 25. [27]

MISUSE OF DRUGS ACT (CAP185) - s31
Urine test.

31.--(1) Any officer of the Bureau, immigration officer or police officer not below the rank of sergeant may, if he reasonably suspects any person to have committed an offence under section 8 (b), require that person to provide a specimen of his urine for urine tests to be conducted under this section.
[Note: Act 38/89 wef 15.2.90.]

(2) A person who, without reasonable excuse, fails to provide a specimen of his urine within such time as may be required by any of the officers referred to in subsection (1) shall be guilty of an offence.

(3) Any person (other than a Singapore citizen or a permanent resident) arriving in Singapore by land, sea or air who --

(a) fails to comply with the requirement of an immigration officer under this section; or

(b) is found as a result of urine tests conducted under this section to have consumed a controlled drug,
[Note: Act 38/89 wef 15.2.90.]

may be prohibited from entering or remaining in Singapore.

(4) A specimen of urine provided under this section shall be divided into two parts and each part shall be marked and sealed in such manner and in accordance with such procedure as may be prescribed.

(5) A urine test shall be conducted by a Government chemist on one part of a specimen of urine provided under this section and, at the same time or soon thereafter, a second urine test shall be conducted on the other part of the specimen of urine by another Government chemist. [28]
[Note: Subst. by Act 38/89 wef 15.2.90.]

MISUSE OF DRUGS ACT (CAP185) - s32
Powers of investigation of officers of Bureau.

32. In any case relating to the commission of an offence under this Act, an officer of the Bureau shall have all the powers of a police officer under the Criminal Procedure Code in relation to an investigation into a seizable offence. [28A]
[Note: Cap 68.]

MISUSE OF DRUGS ACT (CAP185) - s33
Punishment of offences.

33.--(1) Except as provided in subsection (3) the Second Schedule shall have effect, in accordance with subsection (2), with respect to the way in

which offences under this Act are punishable on conviction.

(2) In relation to an offence under a provision of this Act specified in the first column of the Second Schedule (the general nature of the offence being described in the second column) --

(a) the third, fourth and fifth columns show respectively the punishments to be imposed on a person convicted of the offence according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug, except as otherwise provided in paragraph (b);

(b) the sixth column shows the punishments to be imposed on a person convicted of the offence where the offence was committed --

(i) in the case of unauthorised manufacture, in relation to such specified controlled drug as is mentioned in the second column; and

(ii) in the case of unauthorised traffic or import or export, in relation to a specified quantity of such controlled drug or to a controlled drug (except opium) containing such quantity of morphine or diamorphine as is mentioned in the second column; and

(c) the seventh column shows the punishments to be imposed on a person convicted of the offence whether or not the offence was committed in relation to a controlled drug and, if it was so committed, irrespective of the nature of the drug,

and in the third, fourth, fifth, sixth and seventh columns a reference to a period gives the maximum or minimum term of imprisonment as is specified, a reference to a sum of money gives the maximum or minimum fine as is specified, and a reference to a number of strokes gives the number of strokes of caning with which the offender shall, subject to section 231 of the Criminal Procedure Code, be punished.
[Note: Cap. 68.]

(3) If any person convicted of an offence under section 8 (b) is again convicted of such an offence, he shall be punished with imprisonment for a term of not less than 3 years; and in this subsection, "convicted of an offence" includes a conviction by a subordinate military court or the Military Court of Appeal constituted under the Singapore Armed Forces Act.
[Notes: Subst. by Act 38/89 wef 15.2.90. Cap. 295.]

MISUSE OF DRUGS ACT (CAP185) - Part IV

PART IV

GENERAL

MISUSE OF DRUGS ACT (CAP185) - s34
Jurisdiction of courts.

34. A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this Act and, notwithstanding anything to the contrary in the Criminal Procedure Code, a District Court shall have power to impose the full penalty or punishment in respect of any offence provided by this Act except the punishment of death. [30]

MISUSE OF DRUGS ACT (CAP185) - s35
Indemnity.

35.--(1) The Government shall not be liable to make good any damage caused to any goods or property as a result of an entry, search or detention under the provisions of this Act unless the damage is caused by the wilful neglect or default of an officer employed by the Government.

(2) In the event of any dispute as to the amount of any damage so caused the same shall be summarily ascertained and determined by a District Court or a Magistrate's Court. [31]

MISUSE OF DRUGS ACT (CAP185) - s36
Protection of persons acting under authority of this Act.

36. Any person who does any act in pursuance or intended pursuance of any of the provisions of this Act or of the regulations made thereunder shall not be subject to any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, mistake of law or fact, or any other ground, unless he has acted in bad faith or without reasonable care. [32]

MISUSE OF DRUGS ACT (CAP185) - s37
Supervision, treatment and rehabilitation of drug addicts.

37.--(1) The Director of the Central Narcotics Bureau may require any person whom he reasonably suspects to be a drug addict to be medically examined or observed by a Government medical officer or a medical practitioner.
[Note: Act 38/89 wef 15.2.90.]

(2) If as a result of such medical examination or observation under subsection (1) or both the urine tests conducted under section 31 it appears to the Director of the Central Narcotics Bureau that it is necessary for any person examined or observed, or who supplied the urine specimen for the urine tests --

(a) to be subject to supervision, the Director may make a supervision order requiring that person to be subject to the supervision of an officer of the Bureau for a period not exceeding two years; or

(b) to undergo treatment or rehabilitation or both at an approved institution, the Director may make an order in writing requiring that person to be admitted for that purpose to an approved institution.
[Note: Subst. by Act 38/89 wef 15.2.90.]

(3) The Director may, by writing under his hand, delegate to the Deputy Director of the Central Narcotics Bureau the power vested in the Director under subsection (1) or (2), either absolutely or subject to such conditions as he may specify, but no such delegation shall prevent the Director from exercising that power.
[Note: 28/79.]

(4) A person who is a drug addict may volunteer to undergo treatment and rehabilitation at an approved institution and any statement made by that person for the purpose of undergoing that treatment and rehabilitation shall not be admissible in evidence against him in respect of any subsequent prosecution for an offence under this Act.

(5) An approved institution may admit any drug addict for voluntary treatment and rehabilitation on such terms and conditions as may be prescribed.

(6) Every person who has been admitted to an approved institution under this section shall be detained in the institution for a period of 6 months unless he is earlier discharged by the Director or the Review Committee of the institution.

(7) If the Review Committee of an approved institution is of the opinion that an inmate whose period of detention therein is about to expire requires further treatment or rehabilitation or both, the Committee may by order in writing direct that the inmate be detained in the institution for a further period or periods not exceeding 6 months at any one time:

Provided that no person in respect of whom an order has been made under subsection (2) shall be detained in an approved institution or institutions for a period of more than 3 years after his admission to any approved institution pursuant to that order. [33]
[Note: 28/79.]

MISUSE OF DRUGS ACT (CAP185) - s38
Approved institutions.

38.--(1) The Minister may from time to time, by notification in the Gazette, declare any institution or place to be an approved institution for the purpose of the treatment and rehabilitation of drug addicts and other persons under this Act and may at any time in like manner revoke or amend any such notification. [33A]

(2) Every institution which on 1st January 1978 is an approved institution shall be deemed to have been so declared by the Minister under this section.
[Note: 12/77.]

MISUSE OF DRUGS ACT (CAP185) - s38A
Administration of approved institutions.

38A. Subject to the directions of the Minister, approved institutions shall be under the general charge and administration of the Director of Prisons appointed under section 8 of the Prisons Act.
[Notes: Act 38/89 wef 15.2.90. Cap. 247.]

MISUSE OF DRUGS ACT (CAP185) - s39
Review Committees for approved institutions.

39.--(1) The Minister shall appoint for any approved institution or institutions a Review Committee which shall have such functions as are conferred upon it by this Act or the regulations made thereunder.

(2) Every such Committee shall consist of a Chairman, who shall be a person registered under the Medical Registration Act, and such other members, not being less than 3, as the Minister may determine.
[Notes: Act 38/89 wef 15.2.90. Cap. 174.]

(3) The Chairman and members of a Review Committee shall be appointed by the Minister for a term not exceeding 3 years, but may from time to time be reappointed, or may at any time be removed from office by the Minister, or may at any time resign from their office by writing addressed to the Minister.

(4) Three members of the Committee shall constitute a quorum at any meeting of the Committee.

(5) The Chairman shall preside at every meeting of the Committee at which he is present and in his absence the members present shall elect one of their number to preside at the meeting.

(6) Every question before the Committee shall be determined by a majority of the votes of the members present and voting thereon, and in the event of an equality of votes the Chairman or the member presiding at the meeting shall have a casting vote in addition to his original vote.

(7) Subject to the provisions of this Act and any regulations made thereunder the Committee may determine its own procedure.

(8) Any order of the Committee may be signed by the Chairman or a member of the Committee. [33B]

MISUSE OF DRUGS ACT (CAP185) - s40
Review discharge and transfer of inmates.

40.--(1) The Review Committee of an approved institution shall keep the case of every inmate under review and shall as often as practicable consider whether he should be discharged.

(2) The Director of the Central Narcotics Bureau or the Review Committee of an approved institution may at any time by order in writing --

(a) discharge any inmate; or

(b) transfer any inmate from one approved institution to another approved institution.

(3) The Superintendent of an approved institution may enter into an arrangement with the Superintendent of another approved institution for the transfer of any inmate to that other institution and, subject to any directions given by the Director or the Review Committee, may carry out any transfer in accordance with that arrangement.

(4) On proof to his satisfaction that the presence at any place of an inmate is required in the interests of justice, or for the purpose of any inquiry, or in the public interest or in the interest of the inmate, the Superintendent may order that the inmate be taken to that place. [33C]
[Note: 28/79.]

MISUSE OF DRUGS ACT (CAP185) - s41
Power of Magistrate to inquire into complaints of misconduct or breach of duty.

41.--(1) Where a complaint is made on oath to a Magistrate that any person is improperly detained in an approved institution by reason of any misconduct or breach of duty on the part of any officer in the discharge of his functions pursuant to this Act or any regulations made thereunder, the Magistrate may either inquire into the complaint himself or direct a police officer to make an inquiry for the purpose of ascertaining the truth or falsehood of the complaint and report to him the result of the inquiry.

(2) Every inquiry under subsection (1) shall be conducted in private but, save as aforesaid, the procedure for conducting any inquiry shall be such as the Magistrate considers appropriate in the circumstances of the case.

(3) A Magistrate or a police officer conducting any inquiry under subsection (1) shall have all the powers conferred on him by the Criminal Procedure Code in relation to the attendance and examination of witnesses, the taking of evidence and the production of documents.
[Note: Cap. 68.]

(4) If after considering the result of any such inquiry the Magistrate is satisfied that any person who is detained in an approved institution ought not to be so detained he may make an order for the discharge of that person from the approved institution and that person shall be discharged accordingly.

(5) Any order or decision of the Magistrate made under this section shall be final.

(6) No evidence taken for the purpose of any such inquiry shall be admissible in any civil or criminal proceedings except where the person who gave that evidence is charged with giving or fabricating false evidence. [33D]

MISUSE OF DRUGS ACT (CAP185) - s42
Inmates deemed to be in legal custody.

42.--(1) Every inmate shall be deemed to be in legal custody of the approved institution in which he is for the time being detained.
[Note: 28/79.]

(2) An inmate shall be deemed to be in legal custody --

(a) while he is confined in, or is being taken to or from, an approved institution;

(b) while he is for any other reason outside an approved institution in the custody or under the control of an officer of the approved institution; or

(c) while he is being taken to any place to which he is required or authorised under this Act to be taken, or is kept in custody in pursuance of any such requirement or authorisation. [33E]

MISUSE OF DRUGS ACT (CAP185) - s43
Regulations.

43.--(1) The Minister may make regulations --
[Note: 28/79.]
(a) providing for the issue of licences for the importation, exportation, sale, manufacture, production or distribution of controlled drugs;

(b) prescribing the form, duration and terms and conditions of any licence and the fees payable therefor, and providing for the cancellation and,suspension thereof;

(c) authorising the sale or possession or other dealing in controlled drugs and prescribing the circumstances and conditions under which the persons by whom controlled drugs may be sold, had in possession or otherwise dealt in;

(d) requiring medical practitioners, dentists, pharmacists, veterinary surgeons and other persons who deal in controlled drugs as may be authorised by regulations made under this Act to keep records and make returns;

(e) requiring any medical practitioner who attends a person who he considers or has reasonable grounds to suspect is addicted to any controlled drug to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;

(f) prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to persons addicted to controlled drugs, and from prescribing for those persons, those drugs;

(g) as to the packaging and labelling of controlled drugs;

(h) regulating the transport of controlled drugs and the methods to be used for destroying or otherwise disposing of those drugs when no longer required;

(i) requiring precautions to be taken for the safe custody of controlled drugs;

(j) providing for the inspection of any precautions taken or records kept in pursuance of any regulations made under this section;

(k) providing for the treatment and rehabilitation of persons affected by the misuse of controlled drugs;

(l) prescribing the punishment by a fine not exceeding $10,000 or imprisonment for a term not exceeding 4 years or both to be imposed on the conviction for a breach of any regulations;

(m) providing for the management, maintenance and inspection of approved institutions;

(n) prescribing the functions and procedure of Review Committees;

(o) providing for the control, discipline (including the imposition of corporal punishment) and occupation of inmates and for the granting of leave to inmates for the purpose of their employment outside an approved institution;
[Note: Act 38/89 wef 15.2.90.]

(p) prescribing the appointment and duties of officers of approved institutions;

(q) providing for the supervision and aftercare of persons referred to in section 37 (2) (a), or who have undergone treatment and rehabilitation at approved or other institutions or who have been convicted of an offence under section 8 (b);
[Note: Act 38/89 wef 15.2.90.]

(r) prescribing anything that may be prescribed; and

(s) generally for carrying out the purposes and provisions of this Act.

(2) Regulations made by the Minister under this section may --

(a) make different provisions in relation to different controlled drugs, different classes of persons or different cases or circumstances;

(b) make the opinion, consent or approval of a prescribed authority or authorised person material for the purposes of any provision;

(c) provide for the constitution and procedure of a tribunal to ,advise the Minister in any case of contravention of this Act or the regulations made thereunder by any medical practitioner, dentist, pharmacist, veterinary surgeon or other authorised person; and

(d) include such provisions as the Minister thinks fit for the purpose of effecting the transition from any provision made by or by virtue of the Dangerous Drugs Act and the Drugs (Prevention of Misuse) Act repealed by this Act to any provision made by or by virtue of this Act. [34]
[Notes: 1970 Ed. Cap. 151. 1970 Ed. Cap. 154.]

MISUSE OF DRUGS ACT (CAP185) - s44
Power of Minister to amend First Schedule.

44. The Minister may, by order published in the Gazette, amend the First Schedule. [35]

MISUSE OF DRUGS ACT (CAP185) - First Schedule

FIRST SCHEDULE
[Notes: Section 2. S 88/79 S 238/83 S 229/84 S 272/84 S 31/86 S 50/89 wef 15.2.90]

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1. The following substances and products:

Acetorphine.
Acetylmethadol.
Allylprodine.
Alphacetylmethadol.
Alphameprodine.
Alphamethadol.
Alphaprodine.
2-amino-1-(2, 5-dimethoxy-4-methyl) phenylpropane.
Amphetamine.
[Note: S 262/95 wef 16.6.95.]

Anileridine.
Benzethidine.
Benzylmorphine (3-benzyl-morphine).
Betacetylmethadol.
Betameprodine.
Betamethadol.
Betaprodine.
Bezitramide
Brolamfetamine.
[Note: S 564/91 wef 2.1.92.]

Bufotenine.
Cathinone.
[Note: S 564/91 wef 2.1.92.]

Cannabinol.
Cannabinol derivatives.
Cannabis and cannabis resin.
[Note: S 50/90 wef 15.2.90.]

Clonitazene

Coca leaf.
Cocaine.
Codoxime.
Desomorphine.
Dexamphetamine.
[Note: S 262/95 wef 16.6.95.]

Dextromoramide.
Diamorphine.
Diampromide.
Diethylthiambutene.
Difenoxin.
Dihydromorphine.
Dimenoxadole.
Dimepheptanol.
2, 5-dimethoxy-x-methyphenethylamine.
N, x-dimethyl-3, 4-(methylenedioxy) phenethylamine. —MDMA.
[Note: S 564/91 wef 2.1.91.]

3-(1, 2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10 tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran.
Dimethylthiambutene.
Dioxaphetyl butyrate.
Diphenoxylate.
Dipipanone.
Drotebanol.
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.
4-ethyl-2, 5-dimethoxy-x-phenethylamine.
N-ethyl-x-methyl-3, 4-(methylenedioxy) phenethylamine.
[Note: S 564/91 wef 2.1.92.]

Ethylmethylthiambutene.
Eticyclidine
[Note: S 564/91 wef 2.1.92.]

Etonitazene.
Etorphine.
Etoxeridine.
Furethidine.
Hydrocodone.
Hydromorphinol.
Hydromorphone.
N-[x-methyl-3, 4-(methylenedioxy) phenethyl] hydroxylamine.
[Note: S 564/91 wef 2.1.92.]

Hydroxypethidine.
Isomethadone.
Ketobemidone.
Levamphetamine.
Levomethamphetamine.
[Note: S 262/95 wef 16.6.95.]

Levomethorphan.
Levomoramide.
Levophenacylmorphan.
Levorphanol.
Lysergamide.
Lysergide and other
N-alkyl derivatives of lysergamide.
Mescaline.
Metazocine.
Methadone.
Methadyl acetate.
2-methoxy-x-methyl-4, 5-(methylenedioxy) phenethylamine.
p-methoxy-x-methylphenethylamine.
4-methylaminorex.
[Note: S 564/91 wef 2.1.92.]
Methylamphetamine.

[Note: S 262/95 wef 16.6.95.]

Methyldesorphine.
Methyldihydromorphine (6-methyldihydromorphine).
Metopon.
Morpheridine.
Morphine.
Morphine methobromide, morphine.
N-oxide and other pentavalent nitrogen morphine derivatives.
Myrophine.
Nicomorphine (3, 6-dinicotinoyl-morphine).
Noracymethadol.
Norlevorphanol.
Normethadone.
Normorphine.
Norpipanone.
Opium.
[Note: Act 40/93 wef 10.12.93 vide S 492/93.]

Oxycodone.
Oxymorphone.
Parahexyl (3-hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl 6H-dibenzo [b, d] pyran).
Pethidine.
Phenadoxone.
Phenampromide.
Phenazocine.
Phenomorphan.
Phenoperidine.
Piminodine.
Piritramide.
Poppy-straw and concentrate of poppy-straw.
Proheptazine.
Properidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester).
Psilocin.
Psilocybine.
Racemethorphan.
Racemoramide.
Racemorphan.
Rolicyclidine.
Tenamfetamine.
Tenocyclidine.
[Note: S 564/91 wef 2.1.92.]

Thebacon.
Thebaine.
Tilidine.
Trimeperidine.
3, 4, 5-trimethoxy-x-methyphenethylamine.
[Note: S 564/91 wef 2.1.92.]

4-Cyano-2-dimethylamino-4, 4-diphenylbutane.
4-Cyano-1-methyl-4-phenyl-piperidine.
N, N-Diethyltryptamine.
N, N-Dimethyltryptamine.
2, 5-Dimethoxy- , 4-dimethyl-phenethylamine.
1-Hydroxy-3-pentyl-6a, 7, 10, 10a-tetra hydro-6, 6, 9-trimethyl-6-H-dibenzo [b, d] pyran.
1-Methyl-4-phenylpiperidine-4-carboxylic acid.
2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid.
3-methylthiofentanyl.
[Note: S 50/90 wef 15.2.90.]

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance for the time being specified in paragraph

1 not being a substance for the time being specified in Part II of this Schedule.

4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3.

5. Any preparation or other products containing a substance or product for the time being specified in any of paragraphs 1 to 4.

6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II.

7. Fentanyl and any compounds structurally derived from N-(1-Methyl-4-piperidyl)-N-phenyl formanide by substitution of any of the hydrogen atoms, including the following; any salt of any substance falling within this item:

Alfentanil.
Alpha-Methyl fentanyl.
Alpha-Methyl fentanyl Acetanilide.
Alpha-Methylthiofentanyl.
Benzyl fentanyl.
Beta-hydroxy fentanyl.
Carfentanil.
Lofentanil.
3-Methyl fentanyl.
para-fluorofentanyl.
Sufentanil.
Thiofentanyl.

PART II

CLASS B DRUGS

1. The following substances and products:

Acetyldihydrocodeine.
Codeine.
Dextropropoxyphene.
Dihydrocodeine.
Ethylmorphine (3-ethylmrophine).
Fenetylline.
Methylphenidate.
Nicocodine.
Nicodicodine.
Norcodeine.
Phencyclidine.
Phenmetrazine.
Pholcodine.
Propiram.

[Notes: Cannabinol. Cannabinol derivatives. Cannabis and cannabis resin. S 50/90 wef 15.2.90. S 262/95 wef 16.6.95.]

[Notes: S 564/91 wef 2.1.92. S 262/95 wef 16.6.95.]

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.

3. Any salt of a substance for the time being specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3, not being a preparation falling within paragraph 6 of Part I.

PART III

CLASS C DRUGS

1. The following substances:

Benzphetamine.
Chlorphentermine.
Flunitrazepam.
Mecloqualone.
Nimetazepam.
Mephentermine.
Methaqualone.
Phendimetrazine.
Pipradrol.
Triazolam.
Secobarbital.

[Notes: S 564/91 wef 2.1.92. S 66/92 wef 1.3.92.]

UNITED NATIONS

E/NL.1997/44-45
17 July 1997

ENGLISH ONLY*
ORIGINAL: LITHUANIAN

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

LITHUANIA

Communicated by the Government of Lithuania

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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*Note by the Secretariat: This document is a direct reproduction of the texts translated from Lithuanian into English, communicated to the Secretariat by the Government of Lithuania.

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION No.1630

On the Approval of the Regulations of Issuing Licences to Produce, Import into the Republic of Lithuania and Export from the Republic of Lithuania Narcotic and Psychotropic Substances, to Engage in their Wholesale and Retail trade in the Republic of Lithuania. [, 1995]

Vilnius, 28 December 1995

The Government of the Republic of Lithuania r e s o l v e s:

1. To approve the Regulations of issuing Licences to produce, import into the Republic of Lithuania, export from the Republic of Lithuania narcotic and psychotropic substances , to engage in their wholesale and retail trade in the Republic of Lithuania (enclosed)

2. To charge the State Medicines Control Agency under the Ministry of Health Care with the issuance of licences to produce, import into the Republic of Lithuania, export from the Republic of Lithuania narcotic and psychotropic substances, to engage in their wholesale and retail trade in the Republic of Lithuania.

Prime Minister Adolfas Šleževičius

Minister of Health Care Antanas Vinkus

APPROVED

by Resolution No. 1630
of 28 December 1996
of the Government
of the Republic of Lithuania

Regulations of Issuing Licences to Produce, Import in to the Republic of Lithuania and Export from the Republic of Lithuania Narcotic and Psychotropic Substances, to Engage in their Wholesale and Retail Trade in the Republic of Lithuania[, 1996]

General Provisions

1. These Regulations establishes the procedure according to which the enterprises registered and incorporated in the Republic of Lithuania (hereinafter referred to as enterprises) may produce, import into the Republic of Lithuania, export from the Republic of Lithuania, engage in their wholesale and retail trade in the Republic of Lithuania.

The list of narcotic and psychotropic substances shall be approved by the Ministry of Health Care.

Types of Licences

2. In accordance with these Regulations the following types of licences shall be issued:

2.1. to produce narcotic and psychotropic drugs and medicinal substances;

2.2. to produce psychotropic drugs and medicinal substances;

2.3. to engage in the wholesale trade, import and export of narcotic and psychotropic drugs and medicinal substances;

2.4. to engage in the wholesale trade, import and export of psychotropic drugs and medicinal substances;

2.5. to engage in the retail trade of narcotic and psychotropic drugs and medicinal substances;

2.6. to engage in the retail trade of psychotropic drugs and medicinal substances.

Licence Issuing Institution

3. The State Medicines Control Agency under the Ministry of Health Care (hereinafter referred to as the State Medicines Control Agency) has the right to issue, refuse to issue licences of the type specified in Article 2 of the said Regulations, suspend or abrogate the validity of the licence.

Documents Necessary for Obtaining the Licence

4. To obtain a licence an application and the following supplementary documents shall be presented to the State Medicines Control Agency:

4.1. A copy of the enterprise registration certificate (enterprises under incorporation submit appropriate incorporation documents or their drafts according to the types of enterprises or other legal acts: the incorporation agreement, the act of foundation, joint activities agreement, the draft of articles of association);

4.2. A copy of the permit granted by the Ministry of Health Care to the enterprise to engage in pharmaceutical activities;

4.3. A copy of the licence issued by the Ministry of Health Care to the executive pharmaceutical chemist to engage in pharmaceutical activities;

4.4. A copy of the decree of the enterprise authority concerning the appointment of the executive pharmaceutical chemist;

4.5. Description of the premises and facilities assigned for the licensed activities (indicating their address, plan, equipment, safety measures)

4.6. Certificate granted by the Ministry of Internal Affairs officials concerning the suitability of the equipment of the premises assigned for the storage of narcotic drugs and medicinal substances as well as the safety measures;

4.7. Certificate on the suitability of the equipment of the premises assigned for the storage of psychotropic drugs and medicinal substances as well as the safety measures, granted by the control institutions of the State Medicines Control Agency;

4.8. Nomenclature of narcotic or psychotropic drugs and medicinal substances and the data on their projected annual turnover (if engaged in wholesale trade), the nature of the import and export operations, the countries that will be traded with (if export or import is performed).

5. The form of application shall be determined by the State Medicines Control Agency. The application must include the following data:

5.1. Code of the enterprise (if a registered enterprise applies for a licence. If the licence is being issued to an enterprise under incorporation, the code shall be entered after the enterprise presented the registration certificate. The licence issuing institution shall enter the code), its name and address;

5.2. The type of the licence applied for (according to Article 2 of these Regulations);

5.3. Application submission date.

6. The application and other submitted documents shall be reviewed by the Commission set up by the State Medicines Control Agency.

Time Schedule for Reviewing Documents Submitted for Licensing

7. After the reviewing of the application and other presented documents by the Commission, specified in Article 6 of these Regulations, within 30 days after their submission, the State Medicines Control Agency issues a licence to the applicant or provides him with a motivated refusal to issue a licence.

8. A licence shall be issued only after the applicant pays the appropriate stamp duty and presents the document confirming the payment.

Licence Validity Period and Repetitive Issuance of a Licence

9. The licence shall be issued for the period required by the enterprise, but not exceeding a 5 years' period.

10. Upon the expiration of the licence validity period, it may be issued repeatedly only after presenting documents specified in Article 4 of these Regulations, and keeping to the requirements set in these Regulations.

Requisites of the Licence Form

11. The following requisites have to be specified in the licence:

11.1. the name of the institution which has issued the licence;

11.2. the number of the licence;

11.3. the code of the enterprise, its name, its address;

11.4. the type of the licensed activities (according to Article 2 of these Regulations);

11.5. the date of the issuance of the licence;

11.6. the validity period of the licence.

12. The State Medicines Control Agency shall establish the form of the licence.

Registration Procedure of the Licences Issued

13. The licences issuing institution shall administer the Register of licences. The following requisites have to be included in the Register:

13.1. the number of the licence;

13.2. the code of the enterprise, its name, its address;

13.3. the type of the licensed activities (according to Article 2 of these Regulations);

13.4. the date of the issuance of the licence;

13.5. licence validity period;

13.6.the date of the suspension of the licence validity;

13.7.the abrogation date of the suspension of licence validity;

13.8.the date of abrogation of the licence validity.

Refusal to Issue the Licence

14. Licences shall not be issued if:

14.1. not all necessary documents are presented;

14.2. the presented documents do not conform to the requirements and are officially incorrectly registered;

14.3. the presented data are misleading;

14.4. the holder of the previously issued licence had violated the conditions of the activities under licencing and did not eliminate the causes that predetermined the violation;

15. Upon elimination of the causes interfering with obtaining of a licence it is possible to reapply to the State Medicines Control Agency in accordance with the established procedure.

Suspension of the Licence Validity and its Abrogation

16. The licence validity may be suspended, if:

16.1. the conditions of licensed activities, specified in Article 2 of these Regulations, are not observed;

16.2. it becomes evident that the data presented for the issuance of the licence was misleading;

16.3. the validity of the licence (authorisation) to engage in pharmaceutical activities is suspended or this licence (authorisation) is abrogated;

17. The suspension of the licence shall be abrogated after the violations are eliminated.

18. The licence may be abrogated, provided:

18.1. the licence holder discontinues the licensed activities and submits to the State Medicines Control Agency the application to abrogate the licence;

18.2. the State Medicines Control Agency makes a decision to abrogate the licence provided the enterprise fails to eliminate the violations after the suspension of the licence validity in 2 months' time;

18.3. the notification has been received concerning the reorganization or liquidation of the enterprise when the enterprise discontinues its activities as an independent economic entity.

19. The State Medicines Control Agency, upon issuing the licence, upon suspending the licence issuance, upon abrogating the suspension of the licence validity, upon abrogation of the licence, places an announcement in "Valstybės žinios". The announcement about the issued licence shall provide the following data:

19.1. the code of the enterprise, its name and address;

19.2. the type of the activities to engage in which the licence has been issued;

19.3. the number of the licence;

19.4. the date of the licence issuance (when the validity of the licence is suspended, the suspension of its validity is abrogated, or the licence is abrogated; all the data about the issued licence and appropriate date must be submitted).

Terms of Licensed Activities

20.The main terms of the licensed activities shall be as follows:

20.1 to produce, store, sell the narcotic and psychotropic drugs and medicinal substances, to engage in their wholesale and retail trade it is obligatory to observe the requirements set by the Ministry of Health Care concerning production, storage, prescription, dispensing, accounting, wholesale and retail trade, import and export of narcotic and psychotropic drugs and medicinal substances;

20.2. for the import, export, transfer of narcotic and psychotropic drugs and medicinal substances from one to another location it is obligatory to observe the rules of transportation, packaging and marking;

20.3. during the licence validity period the warehouse and the safety facilities have to conform to the requirements, established by the Rules for storing of the narcotic and psychotropic drugs and medicinal substances.

The Control of the Observance of the Licensed Activities Terms

21. The State Medicines Control Agency must supervise and control the observance of the licensed activities conditions paying particular attention to the way of keeping to the established requirements of production, storage, prescription, dispensing, accounting, wholesale and retail trade, import and export of narcotic and psychotropic drugs and medicinal substances as well as to the rules of their storage conditions and safe transportation